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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,832	03/13/2000	Jennie Ching	1504P/BC999069	6617

7590 05/18/2004  
Sawyer Law Group  
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EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/523,832	Applicant(s) CHING ET AL.	
	Examiner Tammy T Nguyen	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |



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**Detailed Office Action**

1. In view of the Appeal Brief filed on March 1, 2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasansky et al., (hereinafter Rasansky) U.S. Patent No. 5,960,406 in view of Zigmond et al., (hereinafter Zigmond) U.S. Patent No. 6,647,417.

5. As to claim 1, Zigmond teaches the invention as claimed, including a method for achieving efficient file transfer and traffic management in a digital media distributor system, the method comprising:

utilizing the IFS as an intermediary between the central site and at least one local traffic system, the at least one local traffic system providing schedule initiation for announcement times, wherein the IFS supports file transfer in both directions between the central site and the at least one local traffic system (Fig.1D, IFS (Microsoft Internet Information server between center site 50 and local traffic 90)).

But, Rasansky does not teach a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds. However, Zigmond teach a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds (Fig.7, Central site (Satellite service provider), ad source and send broadcast 132). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Rasansky and Zigmond to have a central site of the digital media distributor system, the digital media distributor system giving

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broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds because it would have an utilization and convenient system in order to provide a system for delivering and displaying advertisements wherein the response of the viewers may be accurately measured.

6. As to claim 2, Rasansky teaches the invention as claimed, wherein utilizing further comprises receiving inbound transfers of a playlist file from the at least one local traffic system (col.17, lines 5-15).

7. As to claim 3, Rasansky teaches the invention as claimed, wherein utilizing further comprises receiving inbound transfers of a dub list file from the at least one local traffic system (col.15, lines 1-19).

8. As to claim 4, Rasansky teaches the invention as claimed, wherein utilizing further comprises receiving inbound transfers of a purge list file from the at least one local traffic system (col.15, lines 1-19).

9. As to claim 5, Rasansky teaches the invention as claimed, wherein utilizing further comprises performing outbound transfers of a spot status summary file to the at least one local traffic system (col.13, lines 17-35).

10. As to claim 6, Rasansky teaches the invention as claimed, wherein utilizing further comprises performing outbound transfers of a consolidated As-Run log file to the at least one local traffic system (col.9 line 59 to col.10, line 5).

11. As to claim 7, Rasansky teaches the invention as claimed, wherein utilizing a plurality of agents to perform automated processing of files transferred to the IFS and to perform scheduled tasks (col.5, lines 9-40, and col.10, lines 26-48).

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12. As to claim 8, Rasansky teaches the invention as claimed, including a system for achieving efficient file transfer and traffic management in a digital media distributor system, the system comprising:

a central site server (Abstract, Fig.1D, central site server 50)

at least one local traffic system, (col.6, lines 3-45); and

an Internet file server (IFS) coupled between the central site server and the at least one local traffic system, the IFS acting as an intermediary between the central site and the at least one local traffic system, wherein the IFS supports file transfer in both directions between the central site and the at least one local traffic system (Fig 1D, 200, col.10, lines 26-48).

Rasansky does not teach the digital media distributor system giving broadcast program affiliated the ability to provide local advertisements insertion together with delivery of broadcast program feeds and at least one local traffic system providing schedule initiation for local advertisement and announcement times. However, Zigmond teaches the digital media distributor system giving broadcast program affiliated the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds and at least one local traffic system providing schedule initiation for local advertisement and announcement times (Fig.7, Central site (Satellite service provider), ad source and send broadcast 132). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Rasansky and Zigmond to have a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds because it would have

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an utilization and convenient system in order to provide a system for delivering and displaying advertisements wherein the response of the viewers may be accurately measured.

13. As to claim 9, Rasansky teaches the invention as claimed, wherein the IFS receives inbound transfers of a playlist file from the at least one local traffic system (col.15, lines 1-19).

14. As to claim 10, Rasansky teaches the invention as claimed, wherein the IFS receives inbound transfers of a dub list file from the at least one local traffic system(col.15, lines 1-19).

15. As to claim 11, Rasansky teaches the invention as claimed wherein the IFS receives inbound transfers of a purge list file from the at least one local traffic system(col.15, lines 1-19).

16. As to claim 12, Rasansky teaches the invention as claimed, wherein the IFS performs outbound transfers of a spot status summary file to the at least one local traffic system (col.13, lines 17-35).

17. As to claim 13, Rasansky teaches the invention as claimed, wherein the IFS performs outbound transfers of a consolidated As-Run log file to the at least one local traffic system (col.9, line 59 to col.10, line 5).

18. As to claim 14, Rasansky teaches the invention as claimed, wherein the IFS further utilizes a plurality of agents to perform automated processing of files transferred to the IFS and to perform scheduled tasks (col.5, lines 9-40, and col.10, lines 26-48).

19. As to claim 15, Rasansky teaches the invention as claimed, including A method for achieving efficient file transfer and traffic management in a digital media distributor (DMD) system, the method comprising:

utilizing an intermediary for file transfers between a central site and a local traffic system, (Fig.1D, 200, col.10,lines 26-48, and col.4, lines 20-30); and

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Exchange files according to a chosen Internet transfer protocol between the local traffic system and the intermediary.

Rasansky does not teach the at least one local traffic system providing schedule initiation for local advertisement, for a DMD, the DMD giving broadcast program affiliates the ability to provide local advertisements and announcements insertion together with delivery of broadcast program feeds. However, Zigmond teaches the at least one local traffic system providing schedule initiation for local advertisement, for a DMD, the DMD giving broadcast program affiliates the ability to provide local advertisements insertion together with delivery of broadcast program feeds (Fig.7, Central site (Satellite service provider), ad source and send broadcast 132). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Rasansky and Zigmond to have a central site of the digital media distributor system, the digital media distributor system giving broadcast program affiliates the ability to provide local advertisement insertion together with delivery of broadcast program feeds because it would have an utilization and convenient system in order to provide a system for delivering and displaying advertisements wherein the response of the viewers may be accurately measured.

20. As to claim 16, Rasansky teaches the invention as claimed, wherein utilizing further comprises utilizing an Internet server as the intermediary.

21. As to claim 18, teaches the invention as claimed, wherein exchanging files further comprises exchanging files according to a hypertext transfer protocol (HTTP) (col.7, lines 3-15).

22. As to claim 19, Rasansky teaches the invention as claimed, utilizing agents in the IFS to automatically import and transfer list files (col.10, lines 26-58).



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23. As to claim 20, Rasansky teaches the invention as claimed, utilizing agents in the IFS to automatically generate and export summary files (col.5, line 52 to col.6, line 3, abstract, col.9, lines 7-26).

24. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasansky et al., (hereinafter Rasansky) U.S. Patent No. 5,960,406 and Zigmond et al., (hereinafter Zigmondin) U.S. Patent No. 6,698,020 view of Tominaga et al., (hereinafter Tominaga) U.S. Patent No. 6,336,115.

25. As to claim 15, Rasansky and Zigmond do not explicitly teach exchanging files according to a chosen Internet transfer protocol between the local traffic system and the intermediary. However, Tominaga teaches exchanging files according to a chosen Internet transfer protocol between the local traffic system and the intermediary (col.1, lines 55-67). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Rasansky, Zigmond and Tominaga to have an exchange files in a communication system because it would have an efficient system that can provide two-way flow of values or files in a communication.

26. As to claim 17, Rasansky and Zigmond do not explicitly teach an exchanging files according to a file transfer protocol (FTP). However, Tominaga teaches an exchanging files according to a file transfer protocol (FTP). (col.1, lines 55-67). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Rasansky, Zigmond and Tominaga to have a exchanging files according to a file transfer protocol (FTP) because it would have an utilization and convenient communications system that has file transfer protocol as a fast, application-level protocol widely used for copying

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files to and from remote computer systems on a network. Also, allows users to use FTP to listing files and directories.

### ***Conclusion***


27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(703) 305-7982**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:30 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at **(703) 308-3873**.

*TTN*

May 11, 2004

  
**WILLIAM A. CUCHLINSKI, JR.**  
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